



KENYON & KENYON
One Broadway
New York, New York 10004

In re Application of	:	
LENZING, Thomas, et al.	:	
U.S. Application No.: 10/088,841	:	DECISION REGARDING
PCT No.: PCT/DE01/02669	:	SECOND RENEWED
International Filing Date: 17 July 2001	:	SUBMISSION UNDER
Priority Date: 21 July 2000	:	37 CFR 1.42
Attorney's Docket No.:10191/2313	:	
For: DEVICE FOR DETERMINING AT LEAST ONE	:	
PARAMETER OF A FLOWING MEDIUM	:	

In a decision mailed by this Office on 13 May 2003, applicants' revised declaration submitted under 37 CFR 1.42 and 37 CFR 1.497 (filed 09 December 2002) was refused for failure to satisfy the requirements of these provisions. Specifically, the declaration filed was not executed by Johannes Tank, identified as one of the joint heirs to the deceased inventor, who applicants stated was now also deceased. The decision states that the signature of the legal representative of Johannes Tank was required.

On 14 July 2003, applicants filed a response to the 13 May 2003 decision, considered herein. In this response, applicants state that "Eva Tank, is the sole heir of the estate of her late husband Johannes Tank." Applicants note that Eva Tank signed the declaration filed 09 December 2002, and argue that this declaration should therefore be accepted.

Applicants are informed that the USPTO is accepting the revised declaration filed 09 December 2002 in view of applicants' statement that Eva Tank is the sole heir of Johannes Tank and we are construing Eva Tank's signature on the declaration as being on behalf of herself and Johannes Tank's estate. We are also construing the submissions herein as an indication that no legal representative of deceased inventor Dieter Tank or deceased heir Johannes Tank estate have been appointed and that no legal representative is required by the applicable law to be appointed. If these interpretations are incorrect, applicant, is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor and/or the deceased heir in response to this decision.

Based on the above, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**. The revised declaration filed on 09 December 2002 is accepted as complying with 37 CFR 1.497.

The application will be forwarded to the United States Designated/Elected Office (US/DO/EO) for further processing. The 35 U.S.C. 371 date is 09 December 2002.



Richard Cole
PCT Legal Examiner
PCT Legal Office

RMR/RC:rmr



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459